

**PUBLIC HEALTH DEPARTMENT[641]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 144.3, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 97, “Death Registration and Disposition of Dead Human Bodies,” Iowa Administrative Code.

The proposed amendments reflect changes that have been made to Iowa Code chapter 144 that require the use of the electronic statewide vital records system for the registration of death records. The proposed amendments give medical certifiers access for up to one year from the date of death to view a death record using the electronic statewide vital records system. The amendments also incorporate fetal death certificates into the electronic statewide vital records system.

Any interested person may make written comments or suggestions on the proposed amendments on or before October 20, 2015. Such written comments should be directed to Melissa Bird, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by e-mail to [melissa.bird@idph.iowa.gov](mailto:melissa.bird@idph.iowa.gov).

A public hearing via conference call is scheduled for October 23, 2015, from 10 to 11 a.m. The call-in number is 1-866-685-1580, and the conference code to enter when prompted is 9327091718. Persons may present their views orally during the conference call. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to participate in the public hearing and have special requirements, such as those relating to hearing impairments, should contact the Department of Public Health and advise of specific needs by October 15, 2015.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 135.11(7), 144.12, 144.16 to 144.18, 144.26 to 144.29, 144.30 to 144.35, 144.47, 144.49 to 144.51, 144C.5, 331.802(3) and 633.517 to 633.520.

The following amendments are proposed.

ITEM 1. Amend paragraph **97.5(1)“c”** as follows:

*c.* Within three days after the death and prior to final disposition of the dead human body, file the completed certificate of death ~~in the county where the death occurred~~ using the electronic statewide vital records system or, within three days after delivery and prior to disposition of the fetus, file the completed certificate of fetal death with the state registrar.

ITEM 2. Amend subrule 97.5(2) as follows:

**97.5(2)** The funeral director or person other than the funeral director who first assumes custody of the dead human body ~~or fetus~~ for the purposes of disposition shall prepare the certificate of death ~~or fetal death on the official paper issued by the state registrar by one of the following means:~~ using the electronic statewide vital records system.

- a.* ~~Use of a typewriter with dark blue or black ribbon to complete the standard certificate form;~~
- b.* ~~Use of a funeral director’s computer program to complete the form that has been preapproved by the state registrar pursuant to subrules 97.3(4) and 97.4(6);~~
- c.* ~~Use of an electronic form prescribed by the state registrar; or~~
- d.* ~~As directed by the state registrar.~~

ITEM 3. Renumber subrule **97.5(3)** as **97.5(4)**.

ITEM 4. Adopt the following **new** subrule 97.5(3):

**97.5(3)** The funeral director or person other than the funeral director who first assumes custody of the dead fetus for the purposes of disposition shall prepare the certificate of fetal death on the official paper issued by the state registrar by one of the following means:

- a.* Use of a typewriter with dark blue or black ribbon to complete the standard certificate form;
- b.* Use of a funeral director's computer program to complete the form that has been preapproved by the state registrar pursuant to subrules 97.3(4) and 97.4(6);
- c.* Use of an electronic form prescribed by the state registrar; or
- d.* As directed by the state registrar.

ITEM 5. Amend renumbered subrule 97.5(4) as follows:

**97.5(4)** Unless otherwise directed by the state registrar, a certificate of ~~death~~ or fetal death shall be accepted for filing and registration only when:

- a. to g.* No change.

ITEM 6. Adopt the following **new** subrule 97.8(4):

**97.8(4)** The medical certifier who signs the medical certification on a certificate of death shall be entitled to view the death record through the electronic statewide vital records system for up to one year from the date of death.